

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

BERNARD JERRY,	:	
Plaintiff	:	
v.	:	Case No. 3:08-cv-125-KRG-KAP
JEFFREY BEARD, <u>et al.</u> ,	:	
Defendants	:	

Order, Report and Recommendation

After judgment was entered in this matter, docket no. 93, docket no. 94, plaintiff filed two motions styled as a "Mixed 60(b)(3) and reconsideration motion," docket no. 95, and a "Rule 60(d)(1) and (3) motion," docket no. 96. The motion at docket no. 95 should be denied. Plaintiff simply does not appear to understand the court's decision, which is that plaintiff can and must litigate his destruction of property claim in state court, and that he has no evidence that creates a genuine issue of material fact as to his retaliation claim or his infringement of copyright claim.

The motion at docket no. 96 is denied. Despite its title, it is just another attempt to disqualify defendants' counsel.

Pursuant to 28 U.S.C. § 636(b)(1), the parties are given notice that they have fourteen days to file written objections to the recommendation that docket no. 95 be denied. Plaintiff has the same time in which to appeal my order denying docket no. 96.

DATE: September 18, 2012

KEITH A. PESTO  
Keith A. Pesto,  
United States Magistrate Judge

Notice to counsel of record by ECF and by U.S. Mail to:

Bernard Jerry AP-3307  
S.C.I. Cresson  
P.O. Box A  
Cresson, PA 16699-0001